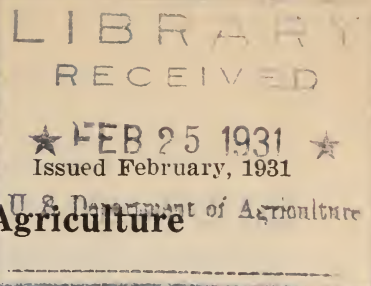


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United States Department of Agriculture

BUREAU OF PLANT INDUSTRY

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 17

REGULATIONS UNDER THE FEDERAL SEED ACT

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JOINT REGULATIONS (FOURTH REVISION) OF THE SECRETARY OF THE TREASURY AND THE SECRETARY OF AGRICULTURE UNDER THE FEDERAL SEED ACT (FORMERLY DESIGNATED "THE SEED IMPORTATION ACT"), APPROVED AUGUST 24, 1912, AS AMENDED AUGUST 11, 1916, AS AMENDED APRIL 26, 1926¹

The seed importation act of August 24, 1912, was amended August 11, 1916, by adding ryegrass and vetch to the seeds subject to the act and by prohibiting the entry of seed containing less than a specified percentage of live, pure seed, and on April 26, 1926, by requiring the coloring of seeds of alfalfa and red clover, eliminating redtop, adding broomcorn millet and Early Fortune millet to the second proviso of section 1, and by making it illegal to ship in interstate commerce any kind of seed which is misbranded.

The regulations of the Secretary of the Treasury and the Secretary of Agriculture, issued as Treasury Decision No. 41724, July 30, 1926, as amended, are hereby amended to read as follows:

Regulation 1.—Short Title of the Act

The act "To regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended August 11, 1916, and April 26, 1926, shall be known and referred to as "The Federal seed act."

Regulation 2.—Definitions²

(a) *Clover*.—The term "clover" includes only:

Trifolium hybridum.....	alsike clover.
Trifolium incarnatum.....	crimson clover.
Trifolium pratense.....	red clover.
Trifolium repens.....	white clover.

¹ These regulations are published by the U. S. Treasury Department in the series of Treasury Decisions as No. 44419.

² The technical plant names in the lists herein given are those in use by the U. S. Department of Agriculture. In cases where these names are not those recognized in the Index Kewensis, the Kew name follows in parentheses. The common names are not complete and are given only by way of explanation.

(b) *Dodder*.—The term "dodder" includes all species of *Cuscuta*.

(c) *Millet*.—The term "millet" includes only:

Chaetochloa italica (*Setaria italica*)-----Hungarian or German millet.
Panicum miliaceum-----broomcorn millet.

(d) *Rape*.—The term "rape" includes only the winter rape forms of *Brassica napus*, commonly grown as forage.

(e) *Ryegrass*.—The term "ryegrass" includes only the cultivated species of *Lolium*.

(f) *Sorghum*.—The term "sorghum" includes only the saccharine varieties of *Holcus sorghum* (*Sorghum vulgare*).

(g) *Kafir corn*.—The term "kafir corn" includes only the nonsaccharine grain varieties of *Holcus sorghum* (*Sorghum vulgare*).

(h) *Vetch*.—The term "vetch" includes only *Vicia sativa* (common or spring vetch), *Vicia villosa* (hairy vetch), and *Vicia pannonica* (Hungarian vetch).

(i) *Weeds*.—The following plants only are considered weeds:

<i>Abutilon theophrasti</i> (<i>A. avicennae</i>)-----	velvet leaf.
<i>Achillea</i> -----	yarrow.
<i>Agropyron repens</i> -----	quack grass.
<i>Agrostemma githago</i> (<i>Lychnis githago</i>)-----	corn cockle.
<i>Allium vineale</i> -----	field garlic.
<i>Alsine</i> (<i>Stellaria</i>)-----	chickweed.
<i>Amaranthus</i> -----	amaranth.
<i>Ambrosia</i> -----	ragweed.
<i>Anagallis arvensis</i> -----	pimpernel.
<i>Anthemis</i> -----	mayweed, camomile.
<i>Anthyllis vulneraria</i> -----	kidney vetch.
<i>Apargia autumnalis</i> (<i>Leontodon autumnale</i>)-----	fall dandelion.
<i>Atriplex</i> -----	saltbush.
<i>Avena fatua</i> -----	} wild oats.
<i>Avena fatua glabrescens</i> -----	
<i>Axyris amaranthoides</i> -----	-----
<i>Berteroa incana</i> (<i>Alyssum incanum</i>)-----	hoary alyssum.
<i>Brassica</i> -----	mustard.

Except *B. napus* (winter rape).

<i>Bromus hordeaceus</i> -----	} chess.
<i>Bromus racemosus</i> -----	
<i>Bromus secalinus</i> -----	
<i>Bromus tectorum</i> -----	
<i>Bursa bursa-pastoris</i> (<i>Capsella bursa-pastoris</i>)-----	shepherd's-purse.
<i>Camelina</i> -----	false flax.
<i>Campe</i> (<i>Barbarea</i>)-----	wintercress.
<i>Carex</i> -----	sedge.
<i>Centaurea</i> -----	star thistle; cornflower.
<i>Cerastium</i> -----	mouse-ear chickweed.
<i>Chaetochloa lutescens</i> (<i>Setaria glauca</i>)-----	yellow foxtail.
<i>Chaetochloa viridis</i> (<i>Setaria viridis</i>)-----	green foxtail.
<i>Cheirinia</i> (<i>Erysium</i>)-----	blistercress.
<i>Chenopodium</i> -----	lamb's-quarters.
<i>Chrysanthemum leucanthemum</i> -----	oxeye daisy.
<i>Cichorium intybus</i> -----	chicory.
<i>Cirsium</i> (<i>Carduus</i>)-----	thistle.
<i>Cnicus benedictus</i> -----	blessed thistle.
<i>Conringia orientalis</i> -----	hare's-ear mustard.
<i>Convolvulus</i> -----	bindweed.
<i>Cuscuta</i> -----	dodder.
<i>Datura</i> -----	jimson weed.
<i>Daucus carota</i> -----	wild carrot.
<i>Echinochloa crusgalli</i> (<i>Panicum crus-galli</i>)-----	barnyard grass.
<i>Echium vulgare</i> -----	blueweed.
<i>Eragrostis</i> -----	stink grass, love grass.
<i>Erodium cicutarium</i> -----	alfilaria.
<i>Eruca sativa</i> -----	salad rocket.
<i>Erysimum</i> (<i>Sisymbrium</i>) <i>officinale</i> -----	hedge mustard.
<i>Festuca myuros</i> -----	rat's-tail fescue.
<i>Galium</i> -----	bedstraw.

Geranium	crane's-bill.
Grindelia squarrosa	gum plant.
Hedysarum coronarium	sulla.
Helianthus	sunflower.
Hibiscus trionum	flower-of-an-hour.
Hieracium	hawkweed.
Holcus halepensis (Sorghum halepense)	Johnson grass.
Hypochaeris radicata	cats-ear.
Ipomoea	morning-glory.
Iva	marsh elder.
Juncus	rush.
Lappula echinata (Echinosperrum lappula)	} stickseed.
Lappula texana (Echinosperrum redowskii)	
Leontodon taraxacum (Taraxacum officinale)	dandelion.
Leonurus cardiaca	common motherwort.
Lepidium	peppergrass.
Linaria	toadflax.
Lithospermum arvense	corn gromwell.
Lolium temulentum	darnel.
Lotus	trefoil.
Lychnis	campion.
Madia sativa	tarweed.
Matricaria inodora	false camomile.
Medicago arabica (M. maculata)	spotted bur clover.
Medicago hispida denticulata (M. denticulata)	toothed bur clover.
Medicago lupulina	black, medick, yellow trefoil.
Melilotus	sweetclover.
Molinia coerulea	_____
Nepeta cataria	catnip.
Neslia paniculata	ball mustard.
Norta (Sisymbrium)	tumble mustard.
Notholcus (Holcus) lanatus	velvet grass.
Oenothera biennis	evening primrose.
Panicum	_____
Except P. miliaceum.	_____
Phalaris	_____
Except P. canariensis.	_____
Picris	oxtongue.
Plantago	buckhorn; plantain.
Polygonum	knotweed; cornbind; smart-weed; lady's-thumb.
Portulaca oleracea	purslane.
Potentilla	cinquefoil.
Prunella vulgaris	selfheal.
Ranunculus	buttercup.
Raphanus raphanistrum	wild radish.
Rosa	rose.
Rudbeckia hirta	brown-eyed-susan.
Rumex	dock; sorrel.
Salsola	Russian thistle.
Sanguisorba	burnet.
Saponaria vaccaria	cow herb.
Sherardia arvensis	field madder.
Silene	catchfly.
Solanum	nightshade.
Sonchus	sow thistle.
Spergula	spurry.
Syntherisma (Digitaria)	crabgrass.
Thlaspi arvense	Frenchweed.
Tragopogon pratensis	buck beard.
Trifolium	clover.
Except T. hybridum, T. incarnatum, T. pratense, and T. repens.	_____
Valerianella	_____
Verbena	verbena.
Vicia	vetch.
Except V. sativa, V. villosa, and V. pannonica.	_____

Regulation 3.—Sampling

(a) The collector of customs shall draw and forward for examination, without specific request from the Bureau of Plant Industry, United States Department of Agriculture, samples of all seeds of alfalfa, Canadian bluegrass, Kentucky bluegrass, awnless brome grass, millet, orchard grass (cocksfoot), rape, ryegrass, timothy, clover, meadow fescue, and vetch when entered for consumption, whether or not a consular invoice is presented on the entry thereof.

(b) Samples of shipments of barley, buckwheat, field corn, kafir corn, sorghum, flax, broomcorn millet, Early Fortune millet, oats, rye, and wheat shall be drawn and forwarded only when the Bureau of Plant Industry shall make specific request for such samples.

Regulation 4.—Drawing Samples

(a) When a shipment consists of a single lot of five sacks or less, each sack shall be sampled.

(b) When a shipment consists of a single lot of more than five sacks, every fifth sack, but not less than five sacks, shall be sampled.

(c) When a shipment consists of several lots, each lot shall be sampled as provided in *a* and *b* of this regulation.

(d) On request additional samples shall be drawn.

(e) The seed from the sacks sampled shall be made into a composite sample of not less than 1 pint.

(f) Each 200 sacks shall be represented by a composite sample.

NOTE.—Delays in sampling shipments considerably in excess of 200 bags will be greatly reduced if importers will arrange with their foreign shippers to subdivide these lots and mark them so that each 200 sacks shall bear a distinctive shipping mark.

(g) Recleaned seeds shall be sampled as provided in paragraphs *a*, *b*, *c*, *d*, *e*, and *f* of this regulation, and the weight of the recleaned seed stated on the sample.

(h) Samples shall be taken from each sack of screenings or refuse resulting from cleaning in bond of seeds imported subject to the act.

(i) The sample from each sack of cleanings or refuse shall be placed in a separate container, which shall be marked with the weight of the screenings contained in the sack from which it was taken in addition to other identifying marks.

(j) Accompanying the composite samples shall be a statement containing the following information:

Port of entry	Entry No.
Date of entry	Invoice No.
Invoked at	
Kind of seed	
Consignor	
Address of consignee	
Entered by	
Ultimate consignee	
Address of consignee	
Quantity of each lot by weight	
Price	Value
Distinguishing mark	
Steamer or car	
Evidence as to the country in which seed of alfalfa and/or red clover was grown	

Regulation 5.—Samples, Where Sent

All samples drawn under regulation 4 shall be forwarded to the respective seed laboratories under which the ports are grouped in the following list of seed-laboratory districts, unless otherwise specifically requested by the Bureau of Plant Industry.

1. *Seed laboratory, United States Department of Agriculture, Washington, D. C.*—All ports in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, and the ports of Chicago, Ill., and Port Huron and Detroit, Mich.

2. *Seed laboratory, Purdue University, La Fayette, Ind.*—All ports in the States of Indiana, Illinois (except the port of Chicago), Kentucky, Tennessee, Wisconsin, Minnesota, and Michigan (except Port Huron and Detroit).

3. *Seed laboratory, Agricultural Experiment Station, Columbia, Mo.*—All ports in the States of Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Colorado, Texas, and New Mexico.

4. *Seed laboratory, Agricultural College, Corvallis, Oreg.*—All ports in the States of Montana, Wyoming, Idaho, Washington, and Oregon.

5. *Seed laboratory, California State Department of Agriculture, Sacramento, Calif.*—All ports in the States of California, Nevada, Utah, Arizona, and Territory of Hawaii.

Regulation 6.—Notice to Consignee

(a) No notification that samples have been drawn will be given when samples are drawn under regulation 3, paragraph *a*, and the remainder of the shipment shall be held intact pending a decision of the Bureau of Plant Industry in the matter.

(b) The collector of customs shall immediately notify the consignee that samples of seeds under regulation 3, paragraph *b*, have been drawn and that the remainder of the shipment must be held intact pending a decision of the Bureau of Plant Industry in the matter.

Regulation 7.—Examination of Seeds—Delivery in Bond

After samples of seed offered for importation into the United States from any foreign country have been drawn, such seed shall be admitted into the commerce of the United States only after the seed has been found to be neither adulterated nor unfit for seeding purposes within the meaning of the act and to have been colored as required by regulation 8: *Provided, however*, That, if each and every container of such seed bears a sufficient mark of identification, collectors of customs may deliver to consignees shipments which have been sampled, pending examination and decision in the matter, upon the execution on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the seed, or any part thereof, upon demand of the collector of customs at any time, in such amount as is prescribed for such bonds in the customs regulations in force on the date of entry. Prior to being so admitted, the seed shall be kept intact and not tampered with in any way, or removed from the containers except under supervision as provided by regulation. The bond shall be filed with the collector of customs, who, in case of default, shall take appropriate action to effect the collection of liquidated damages equal to the invoice value of the entire shipment, plus the estimated duties thereon, if any.

Regulation 7 thus revised shall be effective on and after June 14, 1939.

Regulation 8.—Kinds and Proportion of Seeds to be Colored

(a) Except as provided in paragraph *c* or *d* of this regulation, the importation into the United States of seeds of alfalfa or red clover, or any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover, is prohibited, unless at least 1 per cent of the seeds in each container is stained with the color required by paragraph *b* of this regulation.

(b) Except as provided in paragraph *c* or *d* of this regulation, the seeds of alfalfa or red clover and any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover grown in Canada shall be colored iridescent violet, and such seeds grown in any other country or region shall be colored green.

(c) Whenever the Secretary of Agriculture, after a public hearing, determines that seed of alfalfa or red clover from any foreign country or region is not adapted for general agricultural use in the United States, he shall publish such determination, and on and after the expiration of 90 days after the date of such publication and until such determination is revoked the importation into the United States of any such seeds or of any mixture of seeds containing 10 per cent or more of such seeds of alfalfa and/or red clover is prohibited, unless at least 10 per cent of the seeds in each container is stained a red color.

(d) The importation into the United States of seeds of alfalfa, or red clover or any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover, which is not accompanied by the evidence specified in regulation 11, is prohibited, unless at least 10 per cent of the seeds in each container is stained a red color.

Regulation 9.—Method of Coloring Seeds

(a) Color used shall be in the form of an aqueous solution of such concentration as to color the seeds distinctly with the colors prescribed in paragraphs *b*, *c*, and *d* of regulation 8.

(b) The designated proportion of the seed will be completely colored and blended with the uncolored seed.

Regulation 10.—Coloring Seeds Under Supervision

(a) Seed required to be colored under regulation 8 may be colored at the expense of the importer under the supervision of a representative of the Bureau of Plant Industry, or of a customs officer, when the collector of customs is notified that such supervision by the Bureau of Plant Industry is impracticable.

(b) Seed claimed by the importer to have been colored, and upon sampling found not to be colored as required by regulation 8, at the option of the importer may be colored as provided in paragraph *a*, or the shipment may be bulked and thoroughly mixed by the importer and resampled.

(c) No seed shall be colored by the importer until notice of the color to be applied has been given by the Bureau of Plant Industry.

Regulation 11.—Evidence as to Country or Region Where Seed Was Grown

(a) A certificate, attached to the consular invoice, of the properly authorized official of the foreign country in which the seed was grown, to the effect that the seed of alfalfa or the seed of red clover or any mixture of seeds containing 10 per cent or more of the seed of alfalfa and/or red clover was grown in that country, will be regarded as prima facie evidence of such fact. This certificate shall be in the following form:

Foreign Official Seed Certificate

Place-----, city-----, country-----, date-----

I, -----, hereby certify that the
(Name of official) (Official title)
seed of alfalfa
seed of red clover
mixtures containing 10 per cent or more of either or both seeds described in consular
invoice No. -----, to which this certificate is attached, was grown in the above-named
country.

(Name of official)

(Official title)

(b) A declaration of the shipper attached to the consular invoice stating the country in which the seed of alfalfa or the seed of red clover or any mixture of seeds containing 10 per cent or more of the seed of alfalfa and/or red clover was grown will be regarded as prima facie evidence of such fact. The form of declaration shall be as follows:

Form No. -----—Consular

Declaration of shipper of seed of alfalfa or red clover or mixtures of seed containing 10 per cent or more of either or both of such seeds. Regarding shipment covered by consular invoice No. ----- Certified at-----, on-----, 19-----.

I, the undersigned, -----, the
(Name) (Seller or owner or agent of seller or owner)

of the seed mentioned and described in the accompanying consular invoice, certify that the seed was all grown in-----

(If grown in one country, state name of country. If grown in more than one country, state name of countries and proportion of seed from each country)

and was exported from ----- and consigned to-----
(City) (City)

(Signature)

(c) If the information contained in the certificate and declaration provided for in paragraphs *a* and *b* of this regulation is not sufficient to show the country or region of origin of the seed, or if the consular invoice is not accompanied by such certificate or declaration of shipper, other evidence may be submitted to show such facts, or the seed may be allowed entry in compliance with paragraph *d* of regulation 8.

(d) In the event that the consular invoice is not accompanied by an official certificate of origin the color will not be designated until after the samples of the shipment drawn by the customs service have been examined by the Bureau of Plant Industry.

Regulation 12.—Conditions for Release, Recleaning, Coloring

If the Bureau of Plant Industry shall inform the collector that the seeds have been found to comply with the provisions of the act, the collector shall no longer detain the shipment under the act, and the bond given pursuant to regulation 7 shall be canceled; but if the seeds have been found not to comply with the provisions of the act, the collector may permit the importer to color and/or reclean the seeds under the bond required by regulation 7 at the expense of the importer, in accordance with regulations 4, 13, and 14.

Regulation 13.—Exportation

If the Bureau of Plant Industry shall inform the collector that the sample of the recleaned seeds is not satisfactory, or if the importer shall decline to reclean and/or color any shipment of seeds which the Bureau of Plant Industry has found not to comply with the provisions of the act or the requirements of these regulations, the collector shall refuse delivery of the shipment and require it to be exported under customs supervision and notify the Bureau of Plant Industry of such disposition.

Regulation 14.—Disposition of Refuse from Recleaning

1. If the Bureau of Plant Industry shall inform the collector of customs that the requirements of regulations 4 and/or 12 have been complied with, the seeds may be released to the owner or consignee only on condition that—

(a) The screenings and all other refuse shall have been destroyed under customs supervision; or

(b) The screenings and all other refuse shall have been ground or otherwise treated under customs supervision so as to render all seeds contained therein incapable of germination and the whole impossible of sale for seeding purposes; or

(c) The screenings and all other refuse shall have been sacked, weighed, sealed, and tagged for identification under customs supervision and retained for later destruction or further recleaning, subject to the conditions of the bond given pursuant to regulation 7 to secure return of the shipment.

2. The screenings and all other refuse retained in accordance with method 1, c, of this regulation may be recleaned at any time within 12 months from the date of the entry of the shipment. Unless recleaned within the said period of 12 months said screenings or other refuse shall be destroyed under customs supervision.

3. The exportation of screenings, refuse, and other material removed from seeds prohibited entry under the Federal seed act is prohibited, unless the entire shipment including recleaned seed, screenings, refuse, and other material is exported under customs supervision.

Regulation 15.—Mixing Seed Prohibited

Mixing any seed with a lot or shipment of seed offered for entry which has been found to be in violation of the Federal seed act or of these regulations is prohibited, except that in cases where it shall appear to the satisfaction of the Bureau of Plant Industry that two or more such lots or shipments of seed offered for entry are of substantially the same quality and origin, they may be mixed for the purpose of recleaning upon a written permit of the Bureau of Plant Industry, provided that the different lots or shipments are covered by the same bond.

Regulation 16.—Notice of Removal from Port of Entry

The collector of customs will notify the Bureau of Plant Industry whenever seed which has been sampled under the Federal seed act is moved from one port to another port before being finally released.

Regulation 17.—Disposition of Detained Shipment

The collector of customs shall inform the Bureau of Plant Industry of the disposition made of every shipment detained under these regulations.

Regulation 18.—Failure to Export

Should the importer fail to export within 12 months from the date of refusal of delivery any seeds the delivery of which has been refused under these regulations, the collector shall report the facts to the Secretary of the Treasury and to the United States district attorney.

Regulation 19.—Report of Violation

The collector of customs shall report to the Secretary of the Treasury and to the United States district attorney any violation of the Federal seed act which may come to his knowledge.

Regulation 20.—Request for Review

Requests for review of the findings of the Bureau of Plant Industry should be addressed to the Director of Regulatory Work, United States Department of Agriculture, Washington, D. C.

Regulation 21.—Forwarding of Samples of All Forage-Plant Seeds

Irrespective of the foregoing regulations, collectors of customs will forward to the Seed Laboratory, United States Department of Agriculture, Washington, D. C., 2-ounce samples of each lot of all grass, clover, and other forage-plant seeds imported into the United States not specified in regulation 3.

Regulation 22.—Taking Effect of Regulations

These regulations shall supersede all previous regulations under the Federal seed act.

R. W. DUNLAP,
Acting Secretary of Agriculture.
A. W. MELLON,
Secretary of the Treasury.

WASHINGTON, D. C., November 19, 1930.

THE FEDERAL SEED ACT³

AN ACT To regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes (37 Stat. 506).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after six months after the passage of this act the importation into the United States of seeds of alfalfa, barley, Canadian bluegrass, Kentucky bluegrass, awnless brome-grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this act is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however,* That such seeds may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this act for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further,* That this act shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture, but such shipment shall be subject to provisions of the act of August fifth, nineteen hundred and nine.

SEC. 2. That seed shall be considered adulterated within the meaning of this act—
First. When seed of red clover contains more than three per centum by weight of seed of yellow trefoil, or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than three per centum by weight of seed of yellow trefoil, burr clover and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section one of this act, contains more than five per centum by weight of seed of another kind or variety of lower market value and of similar appearance: *Provided,* That the mixture

³ Formerly designated as "The seed importation act."

of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section.

SEC. 3. That seed shall be considered unfit for seeding purposes within the meaning of this act—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to five grams of clover or alfalfa seed, respectively.

Second. When any kind or variety of the seeds or any mixture described in section one of this act contains more than three per centum by weight of seeds of weeds.

SEC. 4. That any person of persons who shall knowingly violate the provisions of this act shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding five hundred dollars and not less than two hundred dollars: *Provided*, That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this act for the purpose of manufacture shall be deemed guilty of a violation of this act.

Approved August 24, 1912.

FIRST AMENDMENT TO THE FEDERAL SEED ACT

[Extract from the Agricultural appropriation act of August 11, 1916 (Public No. 190—64th Congress)]

* * * and, hereafter, the provisions of said act approved August twenty-fourth, nineteen hundred and twelve, shall be applied to seed of vetch and ryegrass; and, hereafter, when any kind or variety or mixture of the seeds subject to the provisions of said act of August twenty-fourth, nineteen hundred and twelve, as hereby amended, shall contain less than sixty-five per centum of live, pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter, such seeds or mixtures thereof shall be deemed unfit for seeding purposes within the meaning of said act approved August twenty-fourth, nineteen hundred and twelve, and the importation of such seed or mixture thereof is prohibited: *Provided, however*, That seed of Kentucky bluegrass and seed of Canada bluegrass shall not be considered unfit for seeding purposes when they contain fifty per centum or more of live, pure seed.

SECOND AMENDMENT TO THE FEDERAL SEED ACT

AN ACT To amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes (Public No. 151—69th Congress)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, is amended (a) by striking out the words "red top" wherever such words appear in such section and (b) by inserting, after the word "flax" in the second proviso of such section, a comma and the words "broomcorn millet, early fortune millet."

SEC. 2. Such act of August 24, 1912, as amended, is amended by adding at the end thereof the following new sections:

"5. (a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

"(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of ninety days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per centum or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per centum of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

"(d) Subdivision (a) of this section shall become effective upon the expiration of thirty days after the date of the passage of this amendatory act.

"SEC. 6. (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

"(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

"(1) Transported in interstate commerce; or

"(2) Held for sale or exchange after having been so transported.

"(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

"(1) By sale; or

"(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that

such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction; or

"(3) By destruction.

"(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid in to the Treasury as miscellaneous receipts.

"(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

"(f) As used in this section—

"(1) The term 'person' means individual, partnership, corporation, or association;

"(2) The term 'interstate commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

"(3) The term 'district court of the United States' includes any court exercising the powers of a district court of the United States.

"(g) For the purposes of this section, seed shall be held to be misbranded if—

"(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

"(2) If such seed is required to be colored, under the provisions of section 5 and the regulations issued thereunder, and is not so colored; or

"(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.

"(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

"(i) This section shall take effect upon the date of the passage of this amendatory act; but no penalty or condemnation shall be enforced for any violation of this section occurring within thirty days after such date."

Approved April 26, 1926.

NOTICES ISSUED UNDER SECTION 5 OF THE FEDERAL SEED ACT

NO. 1.—RED-CLOVER SEED GROWN IN ITALY NOT ADAPTED FOR GENERAL AGRICULTURAL USE IN THE UNITED STATES

(Effective on and after September 2, 1926)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

I, William M. Jardine, Secretary of Agriculture, have determined that seed of red clover grown in Italy is not adapted for general agricultural use in the United States.

Now, therefore, under the authority conferred by the act of Congress of April 26, 1926, being an "Act to amend the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, and for other purposes," and having duly given the public hearing as required thereby, I do hereby publish this fact.

Done at the city of Washington, this 3d day of June, 1926.

Witness my hand and the seal of the United States Department of Agriculture.

W. M. JARDINE,
Secretary of Agriculture.



NO. 2.—ALFALFA SEED GROWN IN TURKESTAN NOT ADAPTED FOR GENERAL AGRICULTURAL USE IN THE UNITED STATES

(Effective on and after September 25, 1926)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

I, William M. Jardine, Secretary of Agriculture, after a public hearing held in accordance with the provision of the act of April 26, 1926, being an "Act to amend the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, and for

other purposes," have determined that seed of alfalfa grown in the region generally known as Turkestan, comprising both Chinese Turkestan and the area formerly known as Russian Turkestan,⁴ is not adapted for general agricultural use in the United States, and hereby publish this determination.



Done at the city of Washington, this 26th day of June, 1926.
Witness my hand and the seal of the United States Department of Agriculture.

W. M. JARDINE,
Secretary of Agriculture.

NO. 3.—ALFALFA SEED GROWN IN AFRICA NOT ADAPTED FOR GENERAL AGRICULTURAL USE IN THE UNITED STATES

(Effective on and after September 25, 1926)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

I, William M. Jardine, Secretary of Agriculture, after a public hearing held in accordance with the provision of the act of April 26, 1926, being an "Act to amend the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, and for other purposes," have determined that seed of alfalfa grown in Africa is not adapted for general agricultural use in the United States, and hereby publish this determination.



Done at the city of Washington, this 26th day of June, 1926.
Witness my hand and the seal of the United States Department of Agriculture.

W. M. JARDINE,
Secretary of Agriculture.

NO. 4.—ALFALFA SEED GROWN IN SOUTH AMERICA NOT ADAPTED FOR GENERAL AGRICULTURAL USE IN THE UNITED STATES

(Effective on and after July 2, 1927)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

I, William M. Jardine, under authority conferred upon me by the Federal Seed Act as amended, after a public hearing held in accordance with the provisions of this act, have determined that seed of alfalfa grown in South America is not adapted for agricultural use in the New England, Middle Atlantic, Middle Western and Western States but in certain Southern States it is believed that satisfactory crop yields may be expected, and hereby publish this determination. In accordance with the provisions of section 5 of the Federal seed act, 90 days after the date of this determination seed of alfalfa grown in South America will be prohibited entry unless at least 10 per cent of the seed in each container is stained an orange-red color.



Done at the city of Washington, this 2d day of April, 1927.
Witness my hand and the seal of the United States Department of Agriculture.

W. M. JARDINE,
Secretary of Agriculture.

⁴ There is little likelihood of confusion regarding the area designated as Chinese Turkestan. For the purposes of this notice, the area formerly known as Russian Turkestan will be considered to be that region in Central Asia bounded by the Caspian Sea on the west, by Persia and Afghanistan on the south, by Chinese Turkestan on the east, and by the forty-fifth parallel, N. L., on the north.

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IMPORT PROVISIONS OF THE FEDERAL SEED ACT
(See S.R.A.-B.P.I. 17, attached.)

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The following are the essential requirements for imported seed subject to the Federal Seed Act.

Kinds of Seed-

The following kinds of seed are subject to the import provisions of the Federal Seed Act without respect to the purpose for which imported:

Reg. 3 (a) - Alfalfa, Canadian bluegrass, Kentucky bluegrass, awnless brome-grass, millet, orchard grass (cocksfoot), rape, ryegrass, timothy, clover, meadow fescue, and vetch, and mixtures containing 10 percent or more of any of the above seeds. (Federal Seed Act. Sec. 1, and Reg. 2(j).

The following kinds of seed are subject to the import provisions of the Federal Seed Act only when imported for seeding purposes:

Reg. 3 (b) - Barley, buckwheat, field corn, Kafir corn, sorghum, flax, broom-corn millet, Early Fortune millet, oats, rye, and wheat, and mixtures containing 10 percent or more of any of the above seeds. (Federal Seed Act. Sec. 1, and Reg. 2(j).

Weed Seeds - F. S. A., Sec. 3, par. 1, 2.-p.9.

Seed shall not contain in excess of 3 percent of weed seeds, par. 2.

Clover and alfalfa seed shall not contain in excess of one seed of dodder to 5 grams of clover or alfalfa seed, par. 1.

Adulterants - F. S. A., Sec. 2, par. 1,2,3, - p. 8.

Red clover seed shall not contain in excess of 3 percent of seed of yellow trefoil or of any other seed of similar appearance and of lower market value, par. 1.

Alfalfa seed shall not contain in excess of 3 percent of seed of yellow trefoil, burr clover and sweet clover, singly or combined, par. 2.

Seed shall not contain in excess of 5 percent of seed of similar appearance and of lower market value, par. 3.

Live, pure seed - F. S. A., First Amendment, p. 9.

Not less than 65 percent of the bulk of any seed shall be live pure seed, except in the case of Kentucky bluegrass and Canada bluegrass 50 percent.

Coloring - F. S. A., Second Amendment, Sec. 2 (5) (a,b), p. 9.

All seed of alfalfa and red clover imported into the United States must be colored as follows:

10% Red	- Alfalfa & Red Clover of unknown origin	- Regulation 8 (d)	p. 5.
10% Red	- Red clover grown in Italy	- Notice No. 1, June 3, 1926.	p.10.
10% Red	- Alfalfa grown in Africa	- Notice No. 3, June 26, 1926.	p.11.
10% Orange-Red	- Alfalfa grown in South America	- Notice No. 4, April 2, 1927.	p.11.
10% Purple-Red	- Alfalfa grown in Turkestan	- Notice No. 5, Dec. 27, 1932.	p.12.
1% Violet	- Alfalfa & Red Clover grown in Canada	- Regulation 8 (b)	p. 5.
1% Green	- Alfalfa & Red Clover grown in other countries of known origin	- Regulation 8 (b)	p. 5.

